

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
August 8, 2011**

IM 5126
Amended

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Carol Cartledge, Director, Economic Assistance Policy
Maggie Anderson, Director, Medical Services

SUBJECT: Disaster Unemployment Insurance Benefits

PROGRAMS: All

EFFECTIVE: Immediately

RETENTION: Until Manualized

**SECTIONS
AFFECTED:**

TANF: 400-19-55-25-Disregard of Certain Income
400-19-55-20-15-Countable Unearned Income Types
400-19-55-20-05-Definition of Unearned Income

CCAP: 400-16-20-05-09-Treatment of Specific Types of
Payments

Medicaid: 510-05-85-15-Unearned Income
510-05-85-30-Disregarded Income

Healthy Steps: 510-07-40-20-Unearned Income
510-07-40-30-Disregarded Income

Basic Care: 400-29-60-10

Disaster Unemployment Assistance (DUA) is available for individuals in Burleigh, Morton, McHenry, Renville, Ward, Barnes, Ramsey and Richland counties for the Presidential-declared disaster FEMA-1981-DR as a result of

flooding in North Dakota beginning February 20, 2011 and continuing. Individuals affected by flooding have 30 days to apply for assistance.

Note: Should additional counties be approved for Individual Assistance under the Presidential-declared disaster in the future, individuals in those counties will also be eligible for DUA.

Local Job Service offices cannot process Disaster Unemployment Insurance claims. Individuals can file initial DUA benefits claims:

- Online at jobsnd.com
- By phone – Call Job Service at 701-328-1152, Monday through Friday from 8 a.m. to 5 p.m.
- By mail or fax – Forms are located under the Disaster Unemployment link on jobsnd.com. Simply print, complete and return as indicated on the forms.

Disaster Unemployment Assistance is available to individuals who:

- Worked or were self-employed in or were scheduled to begin work or self-employment, but were unable to do so because of the disaster
- Can no longer work or perform services because of physical damage or destruction to the place of employment as a direct result of the disaster
- Establish that work or self-employment they can no longer perform was their primary source of income
- Do not qualify for regular unemployment benefits from any state
- Cannot perform work or self-employment due to an injury resulting directly from the disaster
- Have become the breadwinners or major support of a household because of the death of the head of household due to the disaster
- Cannot reach their place of employment as a direct result of the disaster.

Claims filed after the dates specified below will be considered untimely and benefits will be denied, unless the individuals provide good cause for filing after this date.

- ~~July 27, 2011~~ **August 26, 2011** for individuals affected in Burleigh and Ward counties,
- ~~August 1, 2011~~ **August 31, 2011** for individuals affected in Morton, McHenry and Renville counties and;
- ~~August 15, 2011~~ **September 14, 2011** in Barnes, Ramsey and Richland counties and Spirit Lake Nation Reservation.

The first possible week of compensation for DUA purposes is the week ending February 26, 2011 and up to November 12, 2011, as long as the unemployment continues to be a result of the disaster. The Disaster

Unemployment Assistance weekly benefit amount is based on wages or self-employment income earned during calendar year 2010 and is determined by North Dakota unemployment insurance law.

The Disaster Unemployment Insurance will display on the benefits screens in the UIB System. The 'EB' Field at the top of the screen, a "D" will display for DUA benefits.

Basic Care Assistance Program (BCAP)

Disaster Assistance Unemployment Insurance Benefits are disregarded as income for the Basic Care Assistance Program.

Child Care Assistance Program (CCAP)

Emergency or major disaster assistance as defined in the Disaster Relief Act of 1974 or the Disaster Relief & Emergency Assistance Amendments of 1988 are not considered as income for the Child Care Assistance Program. This includes Disaster Unemployment Benefits.

Low Income Home Energy Assistance Program (LIHEAP)

Disaster Unemployment Insurance Benefits are not counted as income for LIHEAP as addressed in the LIHEAP Manual at 415-25-05-30.

Medicaid/Healthy Steps and Basic Care

Disaster Unemployment Insurance Benefits paid to an individual through the Federal Emergency Management Agency (FEMA), under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Act (42 USC 5174) and Title 44 of the Code of Federal Regulations, are disregarded as income for the Medicaid and Healthy Steps Program.

Supplemental Nutrition Assistance Program (SNAP)

Emergency Unemployment Benefits and FEMA payments are excluded by Federal Regulations for SNAP. These are both addressed in the SNAP policy manual at 430-05-50-30 - Income Excluded by Federal Law.

Temporary Assistance for Needy Families (TANF)

Disaster Unemployment Insurance Benefits paid to an individual through the Federal Emergency Management Agency (FEMA), under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Act (42 USC 5174) and Title 44 of the Code of Federal Regulations, are disregarded as income for the TANF Program.